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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|-------------------------------|------------------|
| 10/650,491 | 08/28/2003 | Charles Kreutzer | 62747 | 6978 |
| 27148 | 7590 | 10/13/2006 | | |
| POL SINELLI SHALTON WELTE SUELTHAUS P.C. 700 W. 47TH STREET SUITE 1000 KANSAS CITY, MO 64112-1802 | | | | |
| | | | EXAMINER SOOHOO, TONY GLEN | |
| | | | ART UNIT 1723 | PAPER NUMBER |

DATE MAILED: 10/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,491

Applicant(s)

KREUTZER, CHARLES

Examiner

Tony G. Soohoo

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12,14 and 16-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12,14 and 16-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim interpretation

1. Claim 21 recites a "configured for coupling" is read as directed to the intended environment and is deemed to only require the structural capability of coupling to a source of water. The scope of the claims does not claim a source of pressurized water. For example, a structure with a mere coupling or an open ended pipe line which may fit into a source tank in which may be fluidly coupled in operation is deemed to meet the claim language.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

“(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12, 14, 16-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otte 5609417 in view of Wellman 3415257 and Carney et al 5427126.

The Otte reference teaches the a device for delivering a chemical fluid including a tank 24 with a cylindrical and conical sections 24a, 24b, a lid to the tank 30, a fluid transfer apparatus to withdrawal the fluid via a pump 28 and valve 52 or 46 to direct the fluid out to a sprayer or hose via a coupling 50 in the discharge line 48, 44.

The Otte reference discloses all of the recited subject matter as defined within the scope of the claims with the exception of having a system for rinsing the tank with a

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fluid intake port and dispenser coupled to the cover, and having a controller in electrical communication with the rising system's intake port and pump, and comprising modes for cleaning via the interior of the tank and for directing the pump to discharge the fluid from tank.

With regards to the issue of a rising system, the reference to Wellman and Carney teaches that one may provide a rising system to clean a tank. The Wellman especially shows that one may provide a nozzle through the lid of the tank with an intake port, and a source of aqueous fluid for cleaning.

Accordingly, in view of the teaching and showing of the Wellman and Carney references that one may utilize a rinse system to the tank for cleaning, it is deemed that it would have been obvious to one of ordinary skill in the art to provide for the Otte reference with a system for rinsing the tank with a fluid intake port and dispenser coupled to the cover, so that Otte's tank may be easily cleaned.

With regards to the use of a controller for a cleaning/rising system to a tank, the reference to Carney et al discloses that one may use a controller 72, column 4, lines 8-12 to control the valves and pumps. Furthermore, the use of electrical valves in the control of dispensing fluid from tanks are notoriously old and well known.

Furthermore, in view of the Carney et al reference, and the use of common knowledge of computer control and electrical valves, it is deemed that it would have been obvious to one of ordinary skill in the art to provide for the device provide for the Otte device with a controller to control all features of the rinse/clean, fill, and discharge of the mixture of fluids so that the device is performed automatically so as to reduce the

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burden of human error. since it has been held that broadly providing a mechanical or automatic means to replace manual activity which has accomplished the same result involves only routine skill in the art. In re Venner, 120 USPQ 192.

With regards to claim 16, the issue of the use of diaphragm pump. The use of diaphragm pumps are an old and well known class of pump mechanisms such as centripetal or diaphragm or displacement pumps which all pump fluids.

Absent an unexpected result, it is deemed that it would have been obvious to one of ordinary skill in the art to substitute the pump of the Otte reference with a diaphragm pump of a known structural functional equivalent so as to provide a more conventionally made device should diaphragm pumps be more readily available than other commonly known pumps.

Response to Arguments

4. Applicant's arguments with respect to claims 12, 14, 16-21 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

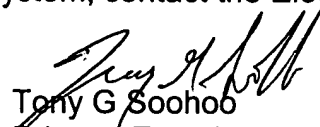
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McKenzie 4030513, Ray 3236248, and Ruhl 5348058 teaches cleaning systems through the lid of a tank.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G. Soohoo whose telephone number is (571) 272 1147. The examiner can normally be reached on 8AM-5PM, Tue-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker can be reached on 571-272-1151. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Tony G Soohoo
Primary Examiner
Art Unit 1723

TONY G. SOOHOO
PRIMARY EXAMINER 1723